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3 444 South Flower Street  
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4 TELEPHONE: (213) 688-0080 ♦ FACSIMILE: (213) 622-7594

5 Attorneys for Defendant INDEMNITY INSURANCE  
6 COMPANY OF NORTH AMERICA  
7

8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION  
10

11 THE REGENTS OF THE UNIVERSITY OF  
CALIFORNIA,

12 Plaintiff,

13 vs.  
14

15 INDEMNITY INSURANCE COMPANY OF  
NORTH AMERICA, DOES 1 TO 20

16 Defendant.  
17

CASE NO. C 07-2721 EDL

**CERTIFICATE OF SERVICE OF  
NOTICE TO ADVERSE PARTY OF  
REMOVAL TO FEDERAL COURT**

Trial Date: None

18 MAUREEN ALLEN certifies and declares as follows:

19 I am over the age of 18 years and not a party to this action.

20 My business address is 444 South Flower Street, 31<sup>st</sup> Floor, Los Angeles, California  
21 90071, which is located in the city, county and state where the mailing described below took  
22 place.

23 On May 24, 2007, I deposited in the United States Mail at Los Angeles, California, a copy  
24 of the Notice to Adverse Party of Removal to Federal Court dated May 24, 2007, a copy of which  
25 is attached to this Certificate as Exhibit "1," addressed as follows:

26 ///

27 ///

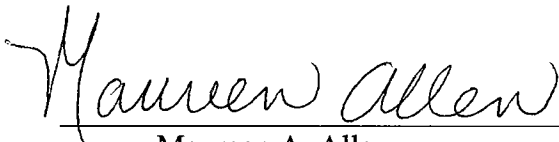
28 ///

ANDERSON, McPHARLIN & CONNERS LLP  
LAWYERS

444 SOUTH FLOWER STREET, THIRTY-FIRST FLOOR  
LOS ANGELES, CALIFORNIA 90071-2901  
TEL (213) 688-0080 • FAX (213) 622-7594

1 Michael P. O'Bresly, Esq.  
2 Law Offices of Michael P. O'Bresly  
3 1300 Clay Street, 11th Floor  
4 P.O. Box 21303  
5 Oakland, CA 94620  
6 Counsel for Plaintiff The Regents of the University of California  
7

8  
9 I declare under penalty of perjury under the laws of the United States of America that the  
10 foregoing is true and correct and that this Declaration was executed on May 24, 2007, at Los  
11 Angeles, California.  
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Maureen A. Allen

ANDERSON, MCPHARLIN & CONNERS LLP

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# EXHIBIT 1

1 MICHAEL C. PHILLIPS APC (Bar No. 48473)  
2 ANDERSON, McPHARLIN & CONNERS LLP  
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4 444 South Flower Street  
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6 TELEPHONE: (213) 688-0080 ♦ FACSIMILE: (213) 622-7594

7  
8 Attorneys for Defendant INDEMNITY INSURANCE  
9 COMPANY OF NORTH AMERICA

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
**COUNTY OF ALAMEDA**

THE REGENTS OF THE UNIVERSITY OF  
CALIFORNIA,

Plaintiff,

vs.

INDEMNITY INSURANCE COMPANY OF  
NORTH AMERICA, DOES 1 TO 20

Defendant.

CASE NO. RG07319960

**NOTICE TO ADVERSE PARTY OF  
REMOVAL TO FEDERAL COURT [28  
U.S.C. §§ 1332, 1441]**

Trial Date: None

**TO PLAINTIFF AND TO ITS ATTORNEYS OF RECORD HEREIN:**

**PLEASE TAKE NOTICE** that a Notice of Removal of this action from this Court to the United States District Court for the Northern District of California, a copy of which notice is attached hereto as Exhibit "A," has been duly filed in the United States District Court for the Northern District of California, pursuant to 28 U.S.C. §§ 1332 and 1441.

Attached hereto as Exhibit "B" is Defendant INDEMNITY INSURANCE COMPANY OF NORTH AMERICA's Certificate of Interested Parties.

Attached hereto collectively as Exhibit "C" are the United States District Court Northern District of California's (1) Order Setting Initial Case Management Conference and ADR Deadlines; (2) Standing Order for Magistrate Judge Elizabeth D. Laporte; (3) Standing Order re Case Management Conference; (4) Notice of Assignment of Case to a United States Magistrate

**EXHIBIT 1**

**3**

NOTICE TO ADVERSE PARTY OF REMOVAL TO FEDERAL COURT

ANDERSON, MCPHARLIN & CONNERS LLP

LAWYERS  
444 SOUTH FLOWER STREET, THIRTY-FIRST FLOOR  
LOS ANGELES, CALIFORNIA 90071-2901  
TEL (213) 688-0080 • FAX (213) 622-7594

1 Judge for Trial; (5) ECF Registration Information Handout; (6) Handout listing Northern District  
2 Judges and Magistrate Judges; and (7) Handout entitled "Welcome to the U.S. District Court, San  
3 Francisco.

4  
5 DATED: May 24, 2007

ANDERSON, McPHARLIN & CONNERS LLP

6  
7 By: 

8 Michael C. Phillips PAC  
9 Attorneys for Defendant INDEMNITY INSURANCE  
10 COMPANY OF NORTH AMERICA  
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ORIGINAL  
FILED

1 MICHAEL C. PHILLIPS APC (Bar No. 48479)

mcp@amclaw.com

2 ANDERSON, McPHARLIN & CONNERS LLP

Thirty-First Floor

3 444 South Flower Street

Los Angeles, California 90071-2901

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5 Attorneys for Defendant INDEMNITY INSURANCE  
COMPANY OF NORTH AMERICA

E-Filing

8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

11 THE REGENTS OF THE UNIVERSITY OF  
CALIFORNIA,

12 Plaintiff,

14 vs.

15 INDEMNITY INSURANCE COMPANY OF  
NORTH AMERICA, DOES 1 TO 20

16 Defendant.

CASE NO. 07-2721 EDL

NOTICE OF REMOVAL [28 U.S.C. §§  
1332, 1441]; AND DEMAND FOR JURY  
TRIAL

Trial Date: None

18 TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR  
19 THE NORTHERN DISTRICT OF CALIFORNIA AND THE PLAINTIFF HEREIN:

20 Defendant INDEMNITY INSURANCE COMPANY OF NORTH AMERICA

21 ("INDEMNITY"), a Pennsylvania corporation having its principal place of business in

22 Philadelphia, by its undersigned attorneys, respectfully petitions this Court as follows:

23 I. JURISDICTIONAL STATEMENT

24 This Court has jurisdiction over the above-described action pursuant to 28 U.S.C. §§ 1332  
25 and 1441 because:

26 1. Defendant INDEMNITY is informed and believes that Plaintiff, THE REGENTS  
27 OF THE UNIVERSITY OF CALIFORNIA ("THE REGENTS") was, and still is, a citizen of  
28 California;

EXHIBIT A

NOTICE OF REMOVAL [28 U.S.C. 1332, 1441]; AND DEMAND FOR JURY TRIAL

ANDERSON, McPHARLIN & CONNERS LLP  
LAWYERS  
444 SOUTH FLOWER STREET, THIRTY-FIRST FLOOR  
LOS ANGELES, CALIFORNIA 90071-2901  
TEL (213) 688-0080 • FAX (213) 622-7594

2. Defendant **INDEMNITY** is incorporated in the State of Pennsylvania and has its principal place of business in Philadelphia, Pennsylvania and is thus a citizen of the State of Pennsylvania;

3. Although the Plaintiff's Complaint ("Complaint") contains a prayer for an award of monetary damages in an amount to be determined; for pre-judgment and post-judgment interest on that award; and for costs of suit incurred (see attached Exhibit "A," a true and correct copy of the Plaintiff's Complaint), it is facially apparent from the Complaint that the amount in controversy exceeds \$75,000. **INDEMNITY** bases this statement on the allegations of the Complaint wherein Plaintiff alleges that, "[t]o date, the Regents have incurred approximately \$250,000 in costs as a direct result of the damage to the construction works." (Plaintiff's Complaint, paragraph 7.) Accordingly, **INDEMNITY** asserts that the amount in controversy exceeds \$75,000 and, therefore, this Court has diversity jurisdiction in this matter pursuant to 28 U.S.C. § 1332.

## II. GENERAL ALLEGATIONS

1. **INDEMNITY** was, at the time of the filing of this action, and still is, a citizen of the State of Pennsylvania, as a corporation incorporated under the laws of the State of Pennsylvania, having its principal place of business in Philadelphia;

2. **INDEMNITY** is informed and believes that Plaintiff **THE REGENTS** was, and still is, a citizen of the State of California;

3. It is facially apparent from the Complaint that the amount in controversy is in excess of the \$75,000 jurisdictional minimum of this Court;

4. The Complaint was filed in the Superior Court of the State of California in Alameda County, styled *The Regents of the University of California v. Indemnity Insurance Company of North America, and Does 1 to 20*, Case No. RG07319960, a copy of which is attached as Exhibit "A" hereto. **INDEMNITY** is not aware of any pleadings other than the Complaint;

5. The date upon which **INDEMNITY** was served with the Complaint was April 23, 2007. Attached hereto as Exhibit "B" is a true and correct copy of CT CORPORATION's Service of Process Transmittal evidencing the date of service.

1 **III. REMOVAL IS PROPER TO THIS DISTRICT**

2 Based upon the foregoing, removal is proper. **INDEMNITY** will promptly file a copy of  
3 this Removal with the Clerk of the Superior Court of the State of California, Alameda County.

4 **IV. DEMAND FOR JURY TRIAL**

5 Defendant **INDEMNITY** hereby demands trial by jury in this action.

6  
7 DATED: May 22 2007

ANDERSON, McPHARLIN & CONNERS LLP

8  
9 By: 

10 Michael C. Phillips APC

11 Attorneys for Defendant **INDEMNITY INSURANCE**  
12 **COMPANY OF NORTH AMERICA**

ANDERSON, McPHARLIN & CONNERS LLP

LAWYERS  
444 SOUTH FLOWER STREET, THIRTY-FIRST FLOOR  
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TEL (213) 688-0080 • FAX (213) 622-7594



**SUMMONS**  
(CITACION JUDICIAL)

**NOTICE TO DEFENDANT:**  
(AVISO AL DEMANDADO):

Indemnity Insurance Company of North America; DOES 1 to 20

**YOU ARE BEING SUED BY PLAINTIFF:**

(LE ESTÁ DEMANDANDO EL DEMANDANTE):

The Regents of the University of California

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

ALAMEDA COUNTY

2007 APR 10 PM 12:39

FILED BY ALPHONSE GATES

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.courtinfo.ca.gov/selfhelp/espanol/](http://www.courtinfo.ca.gov/selfhelp/espanol/)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.courtinfo.ca.gov/selfhelp/espanol/](http://www.courtinfo.ca.gov/selfhelp/espanol/)) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:

(El nombre y dirección de la corte es):

Superior Court in and for the County of Alameda  
1225 Fallon Street  
Oakland CA 94612

CASE NUMBER:  
(Número del Caso):

RG07319960

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Michael P. O'Bresly, LAW OFFICE OF MICHAEL P. O'BRESLY, 1300 Clay Street, 11th Floor, Oakland CA 94612 (510) 350-8332; fax: (510) 225-2600

DATE:  
(Fecha)

APR - 9 2007

Clerk, by  
(Secretario)

Deputy  
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

(SEAL)

**NOTICE TO THE PERSON SERVED:** You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):

3. ☒ on behalf of (specify): Indemnity Insurance Company of North America  
under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)  
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)  
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)  
☐ other (specify):
4. ☐ by personal delivery on (date):

EXHIBIT A

04/27/2007 FRI 14:23 [TX/RX NO 60431] 003

8

ENDORSED  
FILED  
ALAMEDA COUNTY  
2007 APR 10 PM 12:39  
RECORDED  
BY ALPHONSE OATES

COPY

Michael P. O'Bresly SBN 165512  
LAW OFFICE OF MICHAEL P. O'BRESLY  
1300 Clay Street, 11th Floor  
Oakland, California 94612  
Tel: (510) 350-8332  
Fax: (510) 255-2600

Attorney for Plaintiff  
THE REGENTS OF THE UNIVERSITY OF CALIFORNIA

Superior Court of the State of California

In and for the County of Alameda

THE REGENTS OF THE UNIVERSITY  
OF CALIFORNIA,

Plaintiff,

vs.

INDEMNITY INSURANCE COMPANY OF  
NORTH AMERICA, DOES 1 TO 20,  
Defendants.

Case No.:

RG07319930

COMPLAINT FOR DECLARATORY  
RELIEF and BREACH OF CONTRACT  
EXEMPT FROM FILING FEES  
GOV CODE SECTION 6103

Come now, The Regents of the University of California  
(hereinafter "the Regents"), and alleges the following in  
support of its Complaint against Indemnity Insurance Company of  
North America ("IICNA") and Does 1 to 20:

1. At all times material herein, the Regents was and is a  
corporation duly organized under the Constitution and laws of  
the State of California. The Regents is a political subdivision

COMPLAINT - 1

1 of the State of California and therefore exempt from filing  
2 fees, pursuant to California Government Code Section 6103.

3 2. At all times material herein, IICNA was and is a  
4 corporation, regularly transacting the business of property and  
5 liability insurance within the State of California.

6 3. At all times material herein, the parties identified  
7 herein as "Does 1 to 20," and each of them, were the agents,  
8 principles, representatives, successors, parents, affiliates,  
9 and/or assignees of other defendants named and unnamed, and each  
10 of them, and therefore responsible and liable for the acts and  
11 omissions of the other defendants herein. Plaintiff is ignorant  
12 of the true names and identities of the parties named herein as  
13 "Does 1 to 20," and will amend this complaint, pursuant to Code  
14 of Civil Procedure Section 474, when those names and identities  
15 are ascertained.

16 FACTUAL ALLEGATIONS COMMON

17 TO ALL CAUSES OF ACTION

18 4. In or about July 2004, Defendants issued to Regents a  
19 certificate of insurance bearing number CTF I 205 15 29 6 (the  
20 "certificate") to cover risks of damage to the Regents'  
21 "Contract Works" at a location known as the Southern Radial  
22 Road, located on or about the campus of the University of  
23 California at Irvine. The Certificate incorporated by reference  
24 certain terms of a Master Builders Risk Policy of insurance  
25 (hereafter, the "Policy"), issued by Defendants for purposes of

COMPLAINT-2

1 covering construction projects commencing in the period  
2 September 1, 2001 to 2004. Defendants are in possession of  
3 copies of these documents and know the contents thereof.

4 5. The Policy and Certificate contain a promise whereby  
5 Defendants, in exchange for payment of insurance premium,  
6 assumed the obligation to reimburse the Regents for physical  
7 loss or damage to construction works at the Southern Radial Road  
8 project, resulting from any peril or risk of loss, except as  
9 excluded thereby.

10 6. The Regents paid Defendants valuable consideration for  
11 the Policy, the Certificate and the promises contained therein.

12 7. Beginning in or about December 2004, during the time  
13 in which the construction works known as the Southern Radial  
14 Road project were underway and Defendants' insurance coverage in  
15 effect, the Regents suffered damage and loss to the Southern  
16 Radial Road construction works. To date, the Regents have  
17 incurred approximately \$250,000 in costs as a direct result of  
18 the damage to the construction works.

19 8. In or about April 2005, the Regents duly reported the  
20 loss to Defendants and claimed coverage for their costs under  
21 the Policy.

22 9. In or about August of 2005, Defendants denied the  
23 Regents' claim. The Defendants contended, and still contend,  
24 that the loss and damage resulted from a peril excluded under a  
25 term of the Policy. The Regents contend that the damage and

COMPLAINT-3

1 loss is not excluded under any terms of the Policy, and further  
2 contend that Defendants are obligated to reimburse the Regents  
3 for all of the costs incurred by Regents as a result of the  
4 damage and loss to the construction works at the Irvine campus  
5 Southern Radial Road.

6 10. Despite repeated requests, Defendants have refused to  
7 reimburse the Regents for any portion of these costs.

8 11. In or about July, 2006, and again in January, 2007,  
9 Defendants extended all applicable periods of limitation on the  
10 time for the institution of suit to a date not earlier than the  
11 date of the filing of the present complaint.

12 FIRST CAUSE OF ACTION

13 Declaratory Judgment

14 (Against All Defendants)  
15

16 12. The Regents incorporate by reference the allegations  
17 of the foregoing paragraphs as if fully set forth herein.

18 13. An actual, present and justiciable controversy exists  
19 between the Regents and the Defendants, and each of them, in  
20 that the Defendants contend and the Regents dispute that the  
21 loss and damage suffered to the Southern Radial Road project as  
22 a result of the rainfall is excluded under the terms of the  
23 Policy. The Regents are informed and believe, and on that  
24 basis allege, that the Defendants contend that all of the loss  
25 and damage to the Regents' contract works resulted from a peril

COMPLAINT - 4

1 excluded under the Policy, and that there is no obligation to  
2 reimburse Regents for the costs of said damage. The Regents  
3 disagree, and contend that the costs at issue are covered by the  
4 terms of the policy and are not excluded by any clear and  
5 enforceable term, provision or limitation. The Regents further  
6 contend that Defendants are obligated to reimburse the Regents  
7 for some or all of the costs incurred as a result of the damages  
8 at the Southern Radial Road project.

9 14. A declaratory judgment is both necessary and proper at  
10 this time, as the parties require the Court's determination to  
11 resolve the dispute as the interpretation and application of the  
12 terms of Policy and their respective rights and liabilities  
13 thereunder.

14 Wherefore, the Regents pray for judgment as set forth  
15 below.

16 SECOND CAUSE OF ACTION

17 BREACH OF CONTRACT

18 (Against All Defendants)

19 15. The Regents incorporate by reference all factual  
20 allegations of the foregoing paragraphs, as if set forth herein  
21 in full.

22 16. The Regents and Defendants entered into a contract  
23 whereby Defendants agreed to reimburse the Regents for costs and  
24 expenses resulting from loss to construction works at the  
25 University of California Irvine campus.

COMPLAINT - 5

1 17. The Defendants' promise obligates them to reimburse  
2 the Regents for the costs at issue, incurred in connection with  
3 the loss and damage at the Southern Radial Road project.

4 18. The Regents have fulfilled and/or complied with all  
5 applicable conditions to Defendants' performance, which is now  
6 due and owing. Defendants' performance has not been waived or  
7 excused.

8 19. Defendants have wrongfully failed to perform their  
9 promises under the contract of insurance.

10 20. Defendants are in material and present breach of their  
11 contract with the Regents. As a direct and proximate result of  
12 that breach, Regents have suffered substantial monetary damage.

13 21. The damages suffered by Regents result from a breach  
14 of written contract, and Regents are therefore entitled to  
15 interest at the rate of 10% per year.

16 Wherefore, the Regents pray for judgment as set forth  
17 below.

18 PRAYER FOR RELIEF

19 The Regents pray for judgment against Defendants, and each  
20 of them, as follows:

- 21 1. As to the first cause of action, for a declaration of  
22 the rights and obligations of the parties under the  
23 Policy; for costs of suit incurred herein; and for  
24 other such relief as the Court may deem just and  
25 proper.

COMPLAINT-6

2. As to the second cause of action, for an award of monetary damages in an amount to be determined; for pre-judgment and post-judgment interest on that award; for costs of suit incurred herein; and for other such relief as the Court may deem just and proper.

Respectfully Submitted,

THE REGENTS OF THE UNIVERSITY  
OF CALIFORNIA

Date:

April 9, 2007

By:

Michael P. O'Bresly

Michael P. O'Bresly  
Attorney for Plaintiff

COMPLAINT - 7



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>Michael P. O'Bresly, SBN 165512</b> LAW OFFICE OF MICHAEL P. O'BRESLY 1300 Clay Street 11th Floor Oakland CA 94612 TELEPHONE NO.: 510-350-8332 FAX NO.: 510-225-2600 ATTORNEY FOR (Name): <b>Plaintiff, The Regents of the University of California</b>		FOR COURT USE ONLY RECORDED FILED ALAMEDA COUNTY 2007 APR 10 PM 12:41 CLERK OF SUPERIOR COURT BY ALPHONSO G. BATES
SUPERIOR COURT OF CALIFORNIA, COUNTY OF <b>Alameda</b> STREET ADDRESS: <b>1225 Fallon Street</b> MAILING ADDRESS: CITY AND ZIP CODE: <b>Oakland CA 94612</b> BRANCH NAME: <b>Rene Davidson Courthouse</b>		
CASE NAME: <b>Regents of the University v. Indemnity Insurance Company</b>		
<b>CIVIL CASE COVER SHEET</b> <input checked="" type="checkbox"/> <b>Unlimited</b> (Amount demanded exceeds \$25,000) <input type="checkbox"/> <b>Limited</b> (Amount demanded is \$25,000 or less) Complex Case Designation <input type="checkbox"/> <b>Counter</b> <input type="checkbox"/> <b>Joinder</b> Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)		
CASE NUMBER: <b>RG07319930</b>		JUDGE: DEPT:

Items 1-5 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

<b>Auto Tort</b> <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) <b>Other PIPD/W (Personal Injury/Property Damage/Wrongful Death) Tort</b> <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (48) <input type="checkbox"/> Other PI/PD/W (23) <b>Non-PIP/W (Other) Tort</b> <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PIP/W (35) <b>Employment</b> <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	<b>Contract</b> <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Collections (09) <input checked="" type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) <b>Real Property</b> <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) <b>Unlawful Detainer</b> <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) <b>Judicial Review</b> <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	<b>Provisionally Complex Civil Litigation</b> (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) <b>Enforcement of Judgment</b> <input type="checkbox"/> Enforcement of judgment (20) <b>Miscellaneous Civil Complaint</b> <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) <b>Miscellaneous Civil Petition</b> <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
--	---	---

2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- |  |  |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties   | d. <input type="checkbox"/> Large number of witnesses  |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence   | f. <input type="checkbox"/> Substantial postjudgment judicial supervision  |
3. Type of remedies sought (check all that apply):  
 a. ☒ monetary b. ☒ nonmonetary, declaratory or injunctive relief c. ☐ punitive
4. Number of causes of action (specify): **2; contract, declaratory relief**
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-016.)

Date: April 9, 2007

Michael P. O'Bresly

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

## NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

Form Adopted for Mandatory Use  
Judicial Council of California  
CM-010 (Rev. January 1, 2007)

## CIVIL CASE COVER SHEET

American LegalNet, Inc.  
www.FarmWelfare.comCal. Rules of Court rules 3.220, 3.400-3.403,  
Standards of Judicial Administration, § 19  
www.courtinfo.ca.gov

**CT CORPORATION**  
A WatsoneKlower Company

**Service of Process  
Transmittal**

04/23/2007

Log Number 512157685

**TO:** Saverio Rocca, Corporate Counsel  
ACE USA, Inc.  
436 Walnut Street  
Philadelphia, PA, 19106

**RE:** Process Served in California

**FOR:** Indemnity Insurance Company of North America (Domestic State: PA)

**ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:**

**TITLE OF ACTION:** The Regents of the University of California, Pltf. vs. Indemnity Insurance Company of North America, et al., Dfts.

**DOCUMENT(S) SERVED:** Summons, Complaint, Cover Sheet

**COURT/AGENCY:** Alameda County, Oakland, Superior Court, CA  
Case # RG07319960

**NATURE OF ACTION:** Insurance Litigation - Breach of Insurance coverage - Construction projects commencing in the period September 1, 2001 to 2004 at the Southern Radial Road Project

**ON WHOM PROCESS WAS SERVED:** C T Corporation System, Los Angeles, CA

**DATE AND HOUR OF SERVICE:** By Process Server on 04/23/2007 at 15:20

**APPEARANCE OR ANSWER DUE:** Within 30 days after service

**ATTORNEY(S) / SENDER(S):** Michael P. O'Bresly  
Law Office of Michael P. O'Bresly  
1300 Clay Street  
11th Floor  
Oakland, CA, 94612  
323-986-2400

**ACTION ITEMS:** SOP Papers with Transmittal, via Fed Ex Standard Overnight, 790231774757

**SIGNED:** C T Corporation System  
**PER:** Dianne Christman  
**ADDRESS:** 818 West Seventh Street  
Los Angeles, CA, 90017  
**TELEPHONE:** 213-337-4615

RECEIVED

APR 25 2007

ACE INCOMING LEGAL

Page 1 of 1 / MS

Information displayed on this transmittal is for CT Corporation's record keeping purposes only and is provided to the recipient for quick reference. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date, or any information contained in the documents themselves. Recipient is responsible for interpreting said documents and for taking appropriate action. Signatures on certified mail receipts confirm receipt of the package only, not of its contents.

EXHIBIT B

04/27/2007 FRI 14:23 [TX/RX NO 60431] 0002

13  
17

**PROOF OF SERVICE**

**STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen years and not a party to the within action; my business address is Thirty-First Floor, 444 South Flower Street, Los Angeles, California 90071-2901.

On May 22, 2007, I served the following document(s) described as **NOTICE OF REMOVAL [28 U.S.C. §§ 1332, 1441]; AND DEMAND FOR JURY TRIAL** on the interested parties in this action by placing true copies thereof enclosed in sealed envelopes addressed as follows:

Michael P. O'Bresly, Esq.  
Law Offices of Michael P. O'Bresly  
1300 Clay Street, 11th Floor  
P.O. Box 21303  
Oakland, CA 94620  
Telephone: (510) 350-8332  
Facsimile: (510) 225-2600

Attorney for plaintiff

**BY MAIL:** I am "readily familiar" with Anderson, McPharlin & Conners' practice for collecting and processing correspondence for mailing with the United States Postal Service. Under that practice, it would be deposited with the United States Postal Service that same day in the ordinary course of business. Such envelope(s) were placed for collection and mailing with postage thereon fully prepaid at Los Angeles, California, on that same day following ordinary business practices.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made. Executed on May 22, 2007, at Los Angeles, California.

  
Maureen Allen

ORIGINAL  
FILED

MICHAEL C. PHILLIPS APC (Bar No. 48773)  
[mcp@amclaw.com](mailto:mcp@amclaw.com)  
ANDERSON, McPHARLIN & CONNERS LLP  
Thirty-First Floor  
444 South Flower Street  
Los Angeles, California 90071-2901  
TELEPHONE: (213) 688-0080 ♦ FACSIMILE: (213) 622-7594

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

E-Filing

Attorneys for Defendant INDEMNITY INSURANCE  
COMPANY OF NORTH AMERICA

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

C 07 2721

EDL

THE REGENTS OF THE UNIVERSITY OF  
CALIFORNIA,

Plaintiff,

vs.

INDEMNITY INSURANCE COMPANY OF  
NORTH AMERICA, DOES 1 TO 20

Defendant.

CASE NO.

CERTIFICATE OF INTERESTED  
PARTIES

Trial Date:

None

TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF CALIFORNIA AND THE PLAINTIFF HEREIN:

Pursuant to Civil L.R. 3-16, the undersigned, counsel of record for INDEMNITY  
INSURANCE COMPANY OF NORTH AMERICA ("INDEMNITY"), certifies that the  
following listed parties may have a (i) a financial interest (of any kind) in the subject matter in  
controversy or in a party to the proceeding; or (ii) any other kind of interest that could be  
substantially affected by the outcome of the proceeding:

///

///

///

///

EXHIBIT B

CERTIFICATE OF INTERESTED PARTIES

19

ANDERSON, McPHARLIN & CONNERS LLP

LAWYERS  
444 SOUTH FLOWER STREET, THIRTY-FIRST FLOOR  
LOS ANGELES, CALIFORNIA 90071-2901  
TEL (213) 688-0080 • FAX (213) 622-7594

1. Plaintiff **THE REGENTS OF THE UNIVERSITY OF CALIFORNIA.**
2. Defendant **INDEMNITY**, a Philadelphia corporation – issuer of policy.

DATED: May 22, 2007

ANDERSON, McPHARLIN & CONNERS LLP

By: 

Michael C. Phillips PAC  
Attorneys for Defendant INDEMNITY INSURANCE  
COMPANY OF NORTH AMERICA

ANDERSON, McPHARLIN & CONNERS LLP

LAWYERS  
444 SOUTH FLOWER STREET, THIRTY-FIRST FLOOR  
LOS ANGELES, CALIFORNIA 90071-2901  
TEL (213) 688-0080 • FAX (213) 622-7594

**PROOF OF SERVICE**

**STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

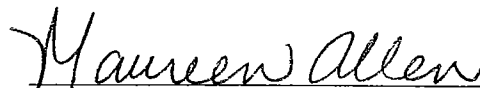
I am employed in the County of Los Angeles, State of California. I am over the age of eighteen years and not a party to the within action; my business address is Thirty-First Floor, 444 South Flower Street, Los Angeles, California 90071-2901.

On May 22, 2007, I served the following document(s) described as **CERTIFICATE OF INTERESTED PARTIES** on the interested parties in this action by placing true copies thereof enclosed in sealed envelopes addressed as follows:

Michael P. O'Bresly, Esq. Attorney for plaintiff  
Law Offices of Michael P. O'Bresly  
1300 Clay Street, 11th Floor  
P.O. Box 21303  
Oakland, CA 94620  
Telephone: (510) 350-8332  
Facsimile: (510) 225-2600

**BY MAIL:** I am "readily familiar" with Anderson, McPharlin & Connors' practice for collecting and processing correspondence for mailing with the United States Postal Service. Under that practice, it would be deposited with the United States Postal Service that same day in the ordinary course of business. Such envelope(s) were placed for collection and mailing with postage thereon fully prepaid at Los Angeles, California, on that same day following ordinary business practices.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made. Executed on May 22, 2007, at Los Angeles, California.

  
Maureen Allen

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIAORIGINAL  
FILEDREGENTS OF THE UNIVERSITY OF  
CA,

Plaintiff(s),

v.

INDEMNITY INS. CO.,  
Defendant(s).

E-Filing

07 MAY 23 PM 1:15

RICHARD NOY C.07-02721 EDL  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIAORDER SETTING INITIAL CASE  
MANAGEMENT CONFERENCE  
AND ADR DEADLINES

IT IS HEREBY ORDERED that this action is assigned to the Honorable Elizabeth D. Laporte. When serving the complaint or notice of removal, the plaintiff or removing defendant must serve on all other parties a copy of this order, the handbook entitled "Dispute Resolution Procedures in the Northern District of California", the Notice of Assignment of Case to a United States Magistrate Judge for Trial, and all other documents specified in Civil Local Rule 4-2. Counsel must comply with the case schedule listed below unless the Court otherwise orders.

IT IS FURTHER ORDERED that this action is assigned to the Alternative Dispute Resolution (ADR) Multi-Option Program governed by ADR Local Rule 3. Counsel and clients shall familiarize themselves with that rule and with the handbook entitled "Dispute Resolution Procedures in the Northern District of California."

## CASE SCHEDULE -ADR MULTI-OPTION PROGRAM

Date	Event	Governing Rule
5/23/2007	Notice of removal filed	
8/7/2007	Last day to: <ul style="list-style-type: none"> <li>meet and confer re: initial disclosures, early settlement, ADR process selection, and discovery plan</li> <li>file Joint ADR Certification with Stipulation to ADR Process or Notice of Need for ADR Phone Conference</li> </ul>	<u>FRCivP 26(f) &amp; ADR L.R.3-5</u> <u>Civil L.R. 16-8</u>
8/21/2007	Last day to file Rule 26(f) Report, complete initial disclosures or state objection in Rule 26(f) Report and file Case Management Statement per attached Standing Order re Contents of Joint Case Management Statement (also available at <a href="http://www.cand.uscourts.gov">http://www.cand.uscourts.gov</a> )	<u>FRCivP 26(a)(1)</u> <u>Civil L.R. 16-9</u>
8/28/2007	INITIAL CASE MANAGEMENT CONFERENCE (CMC) in Ctrm E, 15th Floor, SF at 10:00 AM	<u>Civil L.R. 16-10</u>

EXHIBIT C

STANDING ORDER

Magistrate Judge Elizabeth D. Laporte

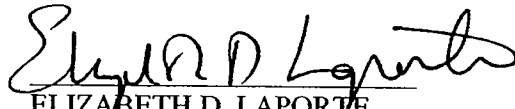
- 1) Civil law and motion is heard on Tuesdays at 9:00 a.m. Criminal law and motion is heard on Tuesdays at 1:15 p.m. Counsel need not reserve a hearing date in advance. However, noticed dates may be reset as the court's calendar requires.
- 2) Case Management Conferences are held on Tuesdays at 10:00 a.m. Pretrial Conferences are held on Tuesdays at 2:00 p.m.
- 3) Discovery motions may be addressed to the Court in three ways. A motion may be noticed on not less than 35 days pursuant to Civil L.R. 7-2. Alternatively, any party may seek an order to shorten or enlarge time under Civil L.R. 6-3 if the circumstances justify that relief. In emergencies during discovery events, the Court is available pursuant to Civil L.R. 37-1(b).

In the event a discovery dispute arises, counsel (or if pro se, the party) seeking discovery or a protective order shall confer in good faith with opposing counsel (or pro se party) in an effort to resolve the dispute without court action, as required by Fed. R. Civ. P. 37 and Civil L.R. 37-1(a). The Court will not consider discovery motions unless the moving party has complied with Fed. R. Civ. P. 37 and Civil L.R. 37-1(a).

- 4) The Court strives to set matters and render decisions in a timely manner. The Court encourages parties to advise the Court by letter to chambers of any matter that appears to have been unduly delayed.

IT IS SO ORDERED.

Dated: July 26, 2005

  
ELIZABETH D. LAPORTE  
United States Magistrate Judge



UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

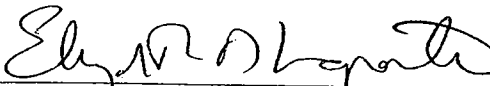
Plaintiff(s), No. EDL  
v. STANDING ORDER RE  
CASE MANAGEMENT CONFERENCE  
Defendant(s).

**Lead trial counsel** who will try this case are directed to confer in advance of the Case Management Conference with respect to all matters contained in the attached Proposed Joint Case Management Order, including **a discovery plan and discovery limits** and all other matters described in Federal Rules of Civil Procedure 16(a), 16(b) and 26(f) and Civil Local Rule 16-10. Pursuant to Civil L.R. 16-10(a), **lead trial counsel shall attend the Case Management Conference** and be prepared to discuss all matters referred to in this order. Counsel shall have the authority to enter stipulations and make admissions regarding all matters described herein.

PLAINTIFF IS DIRECTED TO SERVE COPIES OF THIS ORDER AT ONCE UPON ALL PARTIES IN THIS ACTION AND UPON THOSE SUBSEQUENTLY JOINED IN ACCORDANCE WITH THE PROVISIONS OF FEDERAL RULES OF CIVIL PROCEDURE 4 AND 5 AND CIVIL LOCAL RULES 4 AND 5, and to file with the Clerk of the Court a Certificate reflecting such service.

Failure to comply with this order, the provisions of Federal Rule of Civil Procedure 16 and 26(f) or the provisions of Civil L.R. 16-10 may be grounds for sanctions. (See Fed. R. Civ. P. 16(f)).

Dated: January 26, 2001

  
ELIZABETH D. LAPORTE  
United States Magistrate Judge

**STANDING ORDER FOR ALL JUDGES OF THE NORTHERN DISTRICT OF  
CALIFORNIA**

**CONTENTS OF JOINT CASE MANAGEMENT STATEMENT**

Commencing March 1, 2007, all judges of the Northern District of California will require the identical information in Joint Case Management Statements filed pursuant to Civil Local Rule 16-9. The parties must include the following information in their statement which, except in unusually complex cases, should not exceed ten pages:

1. Jurisdiction and Service: The basis for the court's subject matter jurisdiction over plaintiff's claims and defendant's counterclaims, whether any issues exist regarding personal jurisdiction or venue, whether any parties remain to be served, and, if any parties remain to be served, a proposed deadline for service.
2. Facts: A brief chronology of the facts and a statement of the principal factual issues in dispute.
3. Legal Issues: A brief statement, without extended legal argument, of the disputed points of law, including reference to specific statutes and decisions.
4. Motions: All prior and pending motions, their current status, and any anticipated motions.
5. Amendment of Pleadings: The extent to which parties, claims, or defenses are expected to be added or dismissed and a proposed deadline for amending the pleadings.
6. Evidence Preservation: Steps taken to preserve evidence relevant to the issues reasonably evident in this action, including interdiction of any document-destruction program and any ongoing erasures of e-mails, voice mails, and other electronically-recorded material.
7. Disclosures: Whether there has been full and timely compliance with the initial disclosure requirements of Fed. R. Civ. P. 26 and a description of the disclosures made.
8. Discovery: Discovery taken to date, if any, the scope of anticipated discovery, any proposed limitations or modifications of the discovery rules, and a proposed discovery plan pursuant to Fed. R. Civ. P. 26(f).
9. Class Actions: If a class action, a proposal for how and when the class will be certified.
10. Related Cases: Any related cases or proceedings pending before another judge of this court, or before another court or administrative body.
11. Relief: All relief sought through complaint or counterclaim, including the amount of any

damages sought and a description of the bases on which damages are calculated. In addition, any party from whom damages are sought must describe the bases on which it contends damages should be calculated if liability is established.

12. Settlement and ADR: Prospects for settlement, ADR efforts to date, and a specific ADR plan for the case, including compliance with ADR L.R. 3-5 and a description of key discovery or motions necessary to position the parties to negotiate a resolution.
13. Consent to Magistrate Judge For All Purposes: Whether all parties will consent to have a magistrate judge conduct all further proceedings including trial and entry of judgment.
14. Other References: Whether the case is suitable for reference to binding arbitration, a special master, or the Judicial Panel on Multidistrict Litigation.
15. Narrowing of Issues: Issues that can be narrowed by agreement or by motion, suggestions to expedite the presentation of evidence at trial (e.g., through summaries or stipulated facts), and any request to bifurcate issues, claims, or defenses.
16. Expedited Schedule: Whether this is the type of case that can be handled on an expedited basis with streamlined procedures.
17. Scheduling: Proposed dates for designation of experts, discovery cutoff, hearing of dispositive motions, pretrial conference and trial.
18. Trial: Whether the case will be tried to a jury or to the court and the expected length of the trial.
19. Disclosure of Non-party Interested Entities or Persons: Whether each party has filed the "Certification of Interested Entities or Persons" required by Civil Local Rule 3-16. In addition, each party must restate in the case management statement the contents of its certification by identifying any persons, firms, partnerships, corporations (including parent corporations) or other entities known by the party to have either: (i) a financial interest in the subject matter in controversy or in a party to the proceeding; or (ii) any other kind of interest that could be substantially affected by the outcome of the proceeding.
20. Such other matters as may facilitate the just, speedy and inexpensive disposition of this matter.

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA  
3

4 NOTICE OF ASSIGNMENT OF CASE  
5 TO A UNITED STATES MAGISTRATE JUDGE FOR TRIAL  
6

7 Pursuant to General Order 44, the Assignment Plan of the United States District Court  
8 for the Northern District of California, this case has been randomly assigned to Magistrate Judge  
9 ELIZABETH D. LAPORTE

10 Pursuant to Title 28 U.S.C. § 636(c), with written consent of all parties, a magistrate  
11 judge may conduct all proceedings in the case. Attached is a form to complete if you consent to  
12 proceed before the assigned magistrate judge and a form to complete if you decline to proceed  
13 before the assigned magistrate judge. Electronic versions of both forms are also available at the  
14 Court's Internet site: <http://www.cand.uscourts.gov>. Click on Forms-Civil. A party is free to  
15 withhold consent without adverse consequences. If a party declines to consent, the case will be  
16 randomly reassigned to a district judge and a case management conference will be scheduled on  
17 the district judge's calendar as close as possible to the date presently scheduled before the  
18 magistrate judge.

19 You must file your consent or declination by the deadline for filing the initial case  
20 management statement.

21 The plaintiff or removing party shall serve a copy of this notice and all attachments upon  
22 all other parties to this action pursuant to Federal Rules of Civil Procedure 4 and 5.  
23

24 FOR THE COURT  
25 RICHARD W. WIEKING, CLERK

26  
27   
28 By: Deputy Clerk

MARY ANN BUCKLEY

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

No. C

Plaintiff(s),

v.

CONSENT TO PROCEED BEFORE A  
UNITED STATES MAGISTRATE JUDGE

Defendant(s).

CONSENT TO PROCEED BEFORE A UNITED STATES MAGISTRATE JUDGE

In accordance with the provisions of Title 28, U.S.C. Section 636(c), the undersigned party hereby voluntarily consents to have a United States Magistrate Judge conduct any and all further proceedings in the case, including trial, and order the entry of a final judgment. Appeal from the judgment shall be taken directly to the United States Court of Appeals for the Ninth Circuit.

Dated: \_\_\_\_\_

Signature \_\_\_\_\_

Counsel for \_\_\_\_\_  
(Plaintiff, Defendant or indicate "pro se")

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

No. C

Plaintiff(s),

v.

Defendant(s).

**DECLINATION TO PROCEED BEFORE  
A MAGISTRATE JUDGE  
AND  
REQUEST FOR REASSIGNMENT TO A  
UNITED STATES DISTRICT JUDGE**

**REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE**

The undersigned party hereby declines to consent to the assignment of this case to a United States Magistrate Judge for trial and disposition and hereby requests the reassignment of this case to a United States District Judge.

Dated: \_\_\_\_\_

Signature \_\_\_\_\_

Counsel for \_\_\_\_\_  
(Plaintiff, Defendant, or indicate "pro se")

C 07 2721

EDL

E-Filing

**U.S. District Court Northern California**

**ECF Registration Information Handout**

The case you are participating in has been designated for this court's Electronic Case Filing (ECF) Program, pursuant to Civil Local Rule 5-4 and General Order 45. This means that you **must** (check off the boxes ☒ when done):

- ☐ **1) Serve this** ECF Registration Information Handout on **all** parties in the case along with the complaint, or for removals, the removal notice. DO NOT serve the efiler application form, just this handout.

Each attorney representing a party must also:

- ☐ **2) Register** to become an efiler by filling out the efiler application form. Follow ALL the instructions on the form carefully. If you are already registered in this district, do not register again, your registration is valid for life on all ECF cases in this district.
- ☐ **3) Email** (do not efile) the complaint and, for removals, the removal notice and all attachments, in PDF format within ten business days, following the instructions below. You do not need to wait for your registration to be completed to email the court.
- ☐ **4) Access** dockets and documents using **PACER** (Public Access to Court Electronic Records). If your firm already has a PACER account, please use that - it is not necessary to have an individual account. PACER registration is free. If you need to establish or check on an account, visit: <http://pacer.psc.uscourts.gov> or call **(800) 676-6856**.

BY SIGNING AND SUBMITTING TO THE COURT A REQUEST FOR AN ECF USER ID AND PASSWORD, YOU CONSENT TO ENTRY OF YOUR E-MAIL ADDRESS INTO THE COURT'S ELECTRONIC SERVICE REGISTRY FOR ELECTRONIC SERVICE ON YOU OF ALL E-FILED PAPERS, PURSUANT TO RULES 77 and 5(b)(2)(D) (eff. 12.1.01) OF THE FEDERAL RULES OF CIVIL PROCEDURE.

**All subsequent papers submitted by attorneys in this case shall be filed electronically. Unrepresented litigants must file and serve in paper form, unless prior leave to file electronically is obtained from the assigned judge.**

ECF registration forms, interactive tutorials and complete instructions for efilng may be found on the ECF website: <http://ecf.cand.uscourts.gov>

**Submitting Initiating Documents**

PDF versions of all the initiating documents originally submitted to the court (Complaint or Notice of Removal, exhibits, etc.) must be **emailed (not efiled)** to the **PDF email box for the presiding judge** (not the referring judge, if there is one) **within 10 (ten) business days** of the opening of your case. For a complete list of the email addresses, please go to: **<http://ecf.cand.uscourts.gov>** and click on **[Judges]**.

You must include the case number and judge's initials in the subject line of all relevant emails to the court. You do not need to wait for your registration to email these documents.

These documents must be emailed instead of e-filed to prevent duplicate entries in the ECF system. All other documents must be e-filed from then on. You do not need to efile or email the Civil Cover Sheet, Summons, or any documents issued by the court at case opening; note that you do need to efile the Summons Returned.

**Converting Documents to PDF**

Conversion of a word processing document to a PDF file is required before any documents may be submitted to the Court's electronic filing system. Instructions for creating PDF files can be found at the ECF web site: **<http://ecf.cand.uscourts.gov>**, and click on **[FAQ]**.

**Email Guidelines:** When sending an email to the court, the subject line of the email **must** contain the **case number, judge's initials** and the **type of document(s)** you are sending, and/or the topic of the email.

**Examples:** The examples below assume your case number is 03-09999 before the Honorable Charles R. Breyer:

Type of Document	Email Subject Line Text
Complaint Only	03-09999 CRB Complaint
Complaint and Notice of Related Case	03-09999 CRB Complaint, Related Case
Complaint and Motion for Temporary Restraining Order	03-09999 CRB Complaint, TRO



**Questions**

Almost all questions can be answered in our **FAQs** at **<http://ecf.cand.uscourts.gov>**, please check them first.

You may also email the ECF Help Desk at [ECFhelpdesk@cand.uscourts.gov](mailto:ECFhelpdesk@cand.uscourts.gov) or call the toll-free ECF Help Desk number at: (866) 638-7829.

The ECF Help Desk is staffed Mondays through Fridays from 9:00am to 4:00pm Pacific time, excluding court holidays.

**SAN FRANCISCO**

<b>Article III Judges</b>	<b>Judges Initials</b>	<b>Magistrate Judges</b>	<b>Judges Initials</b>
Alsup, William H.	WHA	Chen, Edward M.	EMC
Breyer, Charles R.	CRB	James, Maria-Elena	MEJ
Chesney, Maxine M.	MMC	Laporte, Elizabeth D.	EDL
Conti, Samuel	SC	Larson, James	JL
Hamilton, Phyllis J.	PJH	Spero, Joseph C.	JCS
Henderson, Thelton E.	TEH	Zimmerman, Bernard	BZ
Illston, Susan	SI		
Jenkins, Martin J.	MJJ		
Patel, Marilyn Hall	MHP		
Schwarzer, William W	WWS		
Walker, Vaughn R	VRW		
White, Jeffrey S.	JSW		

**SAN JOSE**

<b>Article III Judges</b>	<b>Judges Initials</b>	<b>Magistrate Judges</b>	<b>Judges Initials</b>
Fogel, Jeremy	JF	Lloyd, Howard R.	HRL
Ware, James	JW	Seeborg, Richard	RS
Whyte, Ronald M.	RMW	Trumbull, Patricia V.	PVT

**OAKLAND**

<b>Article III Judges</b>	<b>Judges Initials</b>	<b>Magistrate Judges</b>	<b>Judges Initials</b>
Armstrong, Sandra B.	SBA	Brazil, Wayne D.	WDB
Jensen, D. Lowell	DLJ		
Wilken, Claudia	CW		

**WELCOME TO THE U.S. DISTRICT COURT, SAN FRANCISCO**  
**OFFICE HOURS: 9:00 A.M. TO 4:00 P.M.**  
**415.522.2000**  
**www.cand.uscourts.gov**

**In Addition to the Local Rules, the Following Guidelines Have Been Provided to Ensure That the Filing Process Is Accomplished with Ease and Accuracy. For Additional Information or Assistance, Please Call the above Number During Office Hours.**

1. Documents are to be filed in the Clerk's Office at the location of the chambers of the judge to whom the action has been assigned. We do not accept filings for cases assigned to judges or magistrate judges in the Oakland or San Jose division, per Civil L.R. 3-2(b).
2. This office will retain the original plus one copy of most documents submitted. We will conform as many copies as you bring for your use. Related cases require an extra copy for each related action designated.
3. The copy retained goes directly to the assigned Judge. Courtesy copies, or instructions for couriers to deliver a copy directly to chambers are inappropriate, unless you have been instructed to do so by court order.
4. In order to facilitate the file stamping process, each original document should be submitted on top of its copies. In other words, group like documents together--as opposed to a set of originals and separate sets of copies.
5. The case number must indicate whether it is a civil or criminal matter by the inclusion of **C** or **CR** at the beginning of the number. Miscellaneous and foreign judgment matters should also be indicated with initials **MISC** or **FJ** at the end of the case number.
6. The case number must include the initials of the judge and/or magistrate judge followed by the letters designating the case Arbitration (**ARB**), Early Neutral Evaluation (**ENE**) or Mediation (**MED**)--if assigned to one of those programs.
7. The document caption should include the appropriate judge or magistrate judge involved in a particular matter or before whom an appearance is being made. This is especially important when submitting Settlement Conference Statements.
8. Documents are to be stapled or acco-fastened at the top. Backings, bindings and covers are not required. Two holes punched at the top of the original document will facilitate processing.
9. Appropriately sized, stamped, self-addressed return envelopes are to be included with proposed orders or when filing documents by mail.

10. Proofs of service should be attached to the back of documents. If submitted separately, you must attach a pleading page to the front of the document showing case number and case caption.
11. There are no filing fees once a case has been opened.
12. New cases must be accompanied by a completed and signed Civil Cover Sheet, the filing fee or fee waiver request form and an original plus **two** copies of the complaint and any other documents. For Intellectual Property cases, please provide an original plus **three** copies of the complaint. Please present new cases for filing before 3:30 p.m., as they take a considerable amount of time to process.
13. Copies of forms may be obtained at no charge. They may be picked up in person from the Clerk's Office forms cabinet or with a written request accompanied by an appropriate sized, stamped, self-addressed envelope for return. In addition, copies of the Local Rules may be obtained, free of charge, in the Clerk's Office or by sending a written request, along with a self-addressed, 10" x 14" return envelope, stamped with \$ **3.95** postage to: Clerk, U.S. District Court, 450 Golden Gate Avenue, 16th Floor, San Francisco, CA 94102.
14. Two computer terminals which allow public access to case dockets and one terminal with information regarding files at the Federal Records Center (FRC) are located in the reception area of the Clerk's Office. Written instructions are posted by the terminals. Outside of the Clerk's Office, electronic access to dockets is available through PACER. To obtain information or to register call 1-800-676-6851.
15. A file viewing room is located adjacent to the reception area. Files may be viewed in this area after signing the log sheet and presenting identification. Files are to be returned by **1:00 pm** Under no circumstances are files to be removed from the viewing room.
16. The Clerk's Office can only accept payment by **exact change or check** made payable to Clerk, U.S. District Court. No change can be made for fees or the public copy machine.
17. Two pay copy machines are located in the file viewing room for public use, at fifteen cents (\$.15) per page. Copy cards may be purchased at the snack bar on the first floor. Orders for copywork may be placed through Eddie's Document Retrieval by phoning 415-317-5556. Arrangements may be made to bring in a personal copier by calling the Clerk's Office in advance.
18. We have a drop box for filing when the Clerk's Office is closed. Please see attached for availability and instructions.

**PROOF OF SERVICE**

**STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen years and not a party to the within action; my business address is Thirty-First Floor, 444 South Flower Street, Los Angeles, California 90071-2901.


On May 24, 2007, I served the following document(s) described as **NOTICE TO ADVERSE PARTY OF REMOVAL TO FEDERAL COURT [28 U.S.C. §§ 1332, 1441]** on the interested parties in this action by placing true copies thereof enclosed in sealed envelopes addressed as follows:

Michael P. O'Bresly, Esq.  
Law Offices of Michael P. O'Bresly  
1300 Clay Street, 11th Floor  
P.O. Box 21303  
Oakland, CA 94620  
Telephone: (510) 350-8332  
Facsimile: (510) 225-2600

Attorney for Plaintiff The  
Regents of the University of  
California

**BY MAIL:** I am "readily familiar" with Anderson, McPharlin & Connors' practice for collecting and processing correspondence for mailing with the United States Postal Service. Under that practice, it would be deposited with the United States Postal Service that same day in the ordinary course of business. Such envelope(s) were placed for collection and mailing with postage thereon fully prepaid at Los Angeles, California, on that same day following ordinary business practices.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on May 24, 2007, at Los Angeles, California.

  
Maureen Allen